*The meeting was called to order at 10.05 a.m.*

**Agenda item 69: Promotion and protection of human rights** (A/67/387-S/2012/717 and A/67/390)

**(a) Implementation of human rights instruments** (A/67/40 (Vols. I and II), A/67/44, A/67/48, A/67/48/Corr.1, A/67/281, A/67/269, A/67/264, A/67/222 and A/67/279)

**(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (A/67/36)

1. **Mr. Méndez** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) said that the findings in his interim report to the General Assembly (A/67/279) showed that despite the global trend towards abolition of capital punishment, some States continued the practice as it did not constitute a violation per se of international and domestic law. They were nevertheless obliged, under international law, to uphold the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment. In practice, executions could violate that prohibition on two grounds. First, several of the methods applied — such as stoning, gas asphyxiation, hanging or lethal injection — involved unnecessary suffering and could not be empirically guaranteed to be pain-free. Second, the effects of prolonged and indefinite solitary confinement, known as the death row phenomenon, produced severe mental trauma and physical deterioration in prisoners under sentence of death owing to a combination of circumstances, including the uncertainty and anxiety related to imminent death, isolation, drastic physical conditions and regime restrictions.

2. An emerging customary norm held capital punishment as contrary to the prohibition of torture, substantiated by a consistent practice by a majority of States reflecting the view that enforcement of the death penalty was in breach of recognized standards and legal safeguards. That finding was reinforced by the fact that international law did not value the right to life of vulnerable groups differently, but considered the imposition of the death penalty against them to be particularly cruel, inhuman and degrading, in violation of the International Covenant on Civil and Political Rights and the Convention against Torture.

3. A new approach was needed to frame the debate on the legality of the death penalty in the context of human dignity and the prohibition of torture and cruel, inhuman or degrading treatment or punishment as most conditions under which it was applied rendered capital punishment tantamount to torture. While it might still be theoretically possible to impose the death penalty without violating the prohibition of torture, the rigorous requirements to ensure prohibition of torture in all cases made retention costly and impractical.

4. He recommended a comprehensive legal study on the emergence of a customary norm prohibiting the use of the death penalty under all circumstances. He also called on all States not to expel or extradite individuals to countries where they might be sentenced to death and subsequently detained on death row.

5. During his visit to Tajikistan earlier in 2012, he had noted encouraging changes in the normative framework, although it was too early to assess their impact. Sustained effort and commitment from the highest levels of authority would be required, along with a pledge of zero tolerance of torture, although most of the authorities with whom he had met were satisfied that those normative changes sufficed to eradicate torture and mistreatment. He had also visited Morocco, where he noted an emerging culture of human rights and a general improvement in the situation regarding the practice of torture. However, he had received credible reports of undue pressure on detainees during interrogations and events perceived as national security threats — occurrences frequent enough to warrant attention. The final reports would be presented at the forthcoming session of the Human Rights Council in March 2013. Country visits to Uruguay, Bahrain and Guatemala were also planned and discussions were under way for visits to Thailand, Iraq and to the Guantanamo Bay detention centre to observe trial proceedings there.

6. **Ms. Syed** (Norway) said that, as a matter of principle, her country opposed the death penalty in all circumstances as it was incompatible with the principles of human dignity and humane treatment. Norway welcomed the debate on the legality of the death penalty within the fundamental concepts of the prohibition of torture and cruel, inhuman or degrading treatment or punishment and supported the recommendation for a legal study on the emergence of a customary norm prohibiting the use of the death penalty. She asked whether the Special Rapporteur could highlight any possible developments since 2009, when his predecessor had called for a legal study

substantiating a greater need for such a study. Furthermore, as most of Europe was now a de facto death penalty-free zone, she would like to hear more on how regional organizations could contribute to reinforcing the trend towards global abolition.

7. **Mr. Neo** (Singapore) said that his country, with one of the lowest crime rates worldwide, a sound criminal justice framework and respect for rule of law, did not condone torture and its domestic legislation strictly prohibited causing bodily harm with criminal intent. It was precisely because of its stance against torture that Singapore expressed strong reservations over the Special Rapporteur's interim report, which tried to link the death penalty and the prohibition of torture by attempting to prove that there was an emerging customary norm on prohibiting capital punishment. His reliance on a supposed evolving standard was deeply flawed — the States he cited had actually made considered decisions to retain the death penalty and, therefore, did not regard it as contrary to international law.

8. The analytical approach used in the report was similarly flawed. First, it assumed that a given method of execution violated the prohibition against torture and cruel, inhuman or degrading treatment or punishment, precluding any contextual analysis. Second, the examples used did not demonstrate that a particular method was rejected by all States on the premise that it violated the prohibition. Lastly, there was no evidence that the decisions referred to had been accepted by all States as binding; Singapore certainly had not accepted them as such. There was clearly no international consensus that the death penalty, applied in accordance with due process, violated international law. Each country had the sovereign right to determine its own criminal justice system and maintain or abolish capital punishment.

9. **Ms. Loew** (Switzerland) said that the facts and legal analyses in the report would advance the debate which, in the past, had primarily been considered from a "right to life" perspective. Switzerland supported the human dignity approach in the report which, along with that of the Special Rapporteur on extrajudicial, summary or arbitrary executions was a milestone in the fight against capital punishment. She asked the Special Rapporteur to describe his position on the establishment of a special procedure on capital punishment and to explain his concrete proposals with regard to the recommendation, which Switzerland endorsed, to carry out a comprehensive legal study on the emergence of a customary norm.

10. **Mr. Guerts** (Observer for the European Union) requested further explanation of the victim-oriented approach to fighting torture to enrich the discussions of its possible practical implications. He would also like to hear more about the main challenges the Special Rapporteur faced in cooperating with States and how third States or organizations such as the European Union could assist.

11. **Mr. Sparber** (Liechtenstein) said that while his country joined in the general call to abolish the death penalty worldwide, it also considered it useful to examine the legal implications of the prohibition of torture on its application. He asked what reference documents the Special Rapporteur would consider most important in the course of the suggested legal study and what would be the main difficulties in determining whether or not there were emerging customary norms towards abolition.

12. **Mr. Achgalou** (Morocco) asked how the Special Rapporteur intended to address the many concerns raised by Member States and reconcile the diverging opinions on the content of the report. He welcomed the country visit by the Special Rapporteur, which had been conducted in a spirit of openness, and reaffirmed that Morocco would continue to cooperate with all of the special procedures and implement their recommendations.

13. **Mr. Newman** (United States of America) said that his country's judicial system provided exhaustive protections to ensure that the death penalty was applied with procedural safeguards, after extensive judicial review and for only the most serious crimes, in conformity with constitutional guarantees and obligations under international law. The United States of America did not agree with the Special Rapporteur's position that a number of practices associated with the death penalty, including lethal injection and solitary confinement, might constitute torture. It also strongly disagreed with the formulation of the obligation under article 3 of the Convention against Torture as reflected in the final recommendation in the report and, while respecting the views of abolitionists in the intense public debate on the death penalty, it did not share the view regarding the emergence of a customary norm prohibiting its use. His delegation called for greater efforts to prevent existing human rights violations

resulting from the improper application of capital punishment. He asked the Special Rapporteur to give his assessment of United Nations efforts to assist victims of torture, including through the Trust Fund in Support of the Activities of the Office of the United Nations High Commissioner for Human Rights and what States could do to assist those efforts.

14. **Ms. Mozolina** (Russian Federation), while welcoming the Special Rapporteur's substantive and insightful report, said that other, no less urgent issues warranted his attention, particularly the use of torture in combating terrorism in military operations carried out beyond national jurisdictions.

15. **Mr. Noziri** (Tajikistan) said that his Government welcomed the recent country visit by the Special Rapporteur and assured him that it was taking all necessary measures to ensure the highest standards of respect for human rights, as evidenced by the recent legal reform prohibiting torture. Tajikistan would be submitting its periodic report to the Committee against Torture at its November 2012 session and stood ready to continue its fruitful cooperation with the Special Rapporteur.

16. **Mr. Selim** (Egypt), recalling Egypt's long-standing commitment to combating torture and support for related regional and international efforts, said that it was considering national legislation to address the psychological effects of torture and had adopted a victim-oriented approach as well as a number of progressive measures. The Special Rapporteur might have been expected, in the light of recent political developments, to give attention to the use of torture to restrict the right to peaceful assembly; he had instead opted to focus on the link between the death penalty and torture. Egypt categorically rejected his report as there was no provision in customary international law or human rights law categorizing the death penalty or detention on death row as a form of torture.

17. The report recognized the emergence of a customary norm, while simultaneously acknowledging that there was no legal prohibition outside of the second Optional Protocol. The purported link between the death penalty and torture was an alarming attempt to delegitimize capital punishment, disregarding the provisions of international law and distorting established legal norms. Although Egypt respected the efforts to abolish the death penalty, it held that such attempts should be made within the correctly interpreted international legal framework and Member States' sovereign right to determine their own legal systems in accordance with their specificities and the will of their people.

18. He asked how the Special Rapporteur evaluated the psychological and other effects of life sentences. Also, if he recognized that there was no customary norm nor consensus on the link between the death penalty and torture in the absence of conclusive evidence, how would the recommended legal study be developed and contribute to the debate, taking into account the relevant international instruments? Egypt reaffirmed the need for further studies on the use of torture as a tool to prevent the exercise of the right to peaceful assembly.

19. **Mr. Méndez** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) said that the proposed legal study on the emerging norm of customary law with regard to abolition of the death penalty would provide in-depth analysis of the possible evolutions in international law. He had justified what he saw as an emerging trend in the report, evidenced by the abolition of the death penalty by many countries, on the grounds that it was cruel and inhumane, and the many General Assembly resolutions or decisions of regional organizations calling for a moratorium. However, a trend did not necessarily mean unanimity — State practice and *opinio juris* were required; persistent objectors, were free to reject a customary norm and were not bound by it, but that did not prevent its emergence. While no binding customary norm yet existed, it was important to continue studying the evolution towards abolition. The analysis he had conducted jointly with the Special Rapporteur on summary executions, though necessarily limited in time and resources, had revealed a number of issues that deserved wider attention; and he suggested that a possible special procedure dedicated specifically to the death penalty could embark on the comprehensive legal study.

20. A victim-oriented approach should also be helpful, as the opinions and experiences of prisoners on death row or awaiting specific forms of execution must be taken into account; even retentionist States had abolished certain methods of execution owing to their unusual cruelty. While it was difficult to say how States could cooperate further with special procedures, he noted that they received replies to approximately 40 per cent of their requests for visits and

communication. A more consistent and better rate of response would be appreciated. The individual complaint procedure was an important part of their work, but would only be effective if there was a clear and honest dialogue with States. Many of the communications sent to Member States concerned the use of torture in the context of war as cases were brought to his attention and that of the Special Rapporteur on the promotion and protection of human rights while countering terrorism. Those that concerned mistreatment fell within his mandate, and he engaged with the relevant Member States to take action.

21. United Nations treaty bodies also cooperated extensively with the Voluntary Fund for Victims of Torture. It was important to increase contributions to the Fund, given its limited resources. He agreed that torture was used as a means of preventing freedom of assembly and it was within his mandate to engage with States when the excessive use of force to prevent freedom of assembly amounted to torture.

22. **Mr. Grossman** (Chair, Committee against Torture) said that 153 of the 193 Member States had ratified or acceded to the Convention; of those, 29 had never complied with their reporting obligations, thus preventing the Committee from fulfilling its monitoring mandate, while others had not submitted periodic reports for more than a decade. Notwithstanding those violations, the Committee had adopted 311 sets of concluding observations and it valued the positive responses of the many States that had implemented recommended measures as a result of the dialogue. While 522 individual complaints had been registered since 1988, 88 States parties had not yet recognized that competence of the Committee, thus making it impossible for their nationals to avail themselves of that tool.

23. Owing to strict compliance with Committee decisions and interim measures, the Convention had had a real impact through such procedures as examining cases where it was believed that sending an individual to a third country exposed him or her to a risk of torture. However, despite the substantial increase in meeting time, the Committee had a backlog of 115 pending cases, which severely weakened and diminished the credibility of the system by preventing the timely administration of justice. The Committee had undertaken eight confidential inquiry procedures and was on the verge of adopting its third general comment on implementation of article 14 of the Convention.

24. The Committee remained concerned, however, that despite the substantial legal framework, torture continued to take place — in States parties and non-parties to the Convention alike — and had therefore endeavoured to establish an optional reporting procedure as a new means of assisting States parties in fulfilling their obligations. Notwithstanding the success of the new procedure, it placed an additional burden on the Secretariat and on the ten-member Committee itself. Resources were therefore a key issue and the Committee had called on the General Assembly to continue to provide the necessary financial support to enable it to maintain its current four-week sessions in May and November. The report had highlighted the efforts undertaken to use resources efficiently and to cooperate with Member States to improve the efficiency of treaty bodies. The Committee, comprised of independent experts operating in a legal framework, had made an impact, as evidenced by the recent use of the Committee's contributions in a judgment by the International Court of Justice. The world was not yet free of torture, but that was an achievable goal.

25. **Ms. Astiasarán Arias** (Cuba) asked what the Committee was doing to ensure that the dialogue with Member States was objective and beneficial and what principles governed its work with regard to determining the sources of information used.

26. **Mr. de Bustamante** (Observer for the European Union), noting that the report painted a grim picture on States' compliance with their obligations, asked to hear more about some of the general trends in the development of the use of torture and methods to prevent it.

27. **Mr. Grossman** (Chair, Committee against Torture) said that objectivity and impartiality were ensured through transparency. Reports to the Committee were presented in public meetings that were webcast and all information and answers provided were accessible to the public without filters or censure. The Committee's decisions were taken by acclamation or through a silent voting procedure requiring a majority. Members with a recognized conflict of interest recused themselves from the discussion. With regard to sources of information, what mattered was raising questions through the Committee and correcting errors while

ensuring that those questions did not lead to the wrong conclusions. His experience in other human rights bodies had shown that the nature of the petitioner was irrelevant. The Committee also received complaints from criminals, but the aim of the Convention was to prevent torture and while anyone could address a complaint to the Committee, it would not necessarily be heard. Transparency about the information submitted by NGOs, as well as the replies provided by States parties, was also a must. The Committee published all such information on its website, making sure to avoid offensive language.

28. A number of important goals had been achieved, some of which he had listed in his report, such as the incorporation of the prohibition of torture and its criminalization in the domestic law of many countries. However, although the international community had not succeeded in eliminating torture, it should not be resigned to its existence or accept that legal organs were of no use. There was increasing cooperation among special procedures, and the treaty bodies had a preventive role through concluding observations on reports. Other trends that should be strengthened were participation of civil society, rejection of discrimination and the growing unwillingness of large numbers of people to accept the use of torture.

29. **Mr. Evans** (Chair, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) said that in 2011 the Subcommittee had conducted three full visits, to Ukraine, Brazil and Mali. The recent expansion to 25 members had increased the size of delegations and complexity of missions, compounded by the introduction of a maximum length for reports. Consequently, the Subcommittee had decided to conduct more and shorter visits, with smaller delegations and a more targeted focus; in 2012 three of the six visits had been aimed at providing advice and assistance on national preventive mechanisms

30. With 64 States parties to the Optional Protocol, it would be at least ten years before the Subcommittee was able formally to visit a country. It therefore wished to visit all States parties on a cycle similar to those of other treaty bodies, which would further increase its workload. Given financial and human resource constraints, further refinement and innovation of its working methods as well as support from States parties would be essential. The Subcommittee looked forward to the outcome of the treaty body strengthening process, and would continue to support the efforts of all stakeholders.

31. The Subcommittee welcomed the quantity and quality of replies to visit reports, and was seeking other ways of facilitating the implementation of recommendations, including through liaison with other local or regional United Nations agencies. Four replies remained overdue but that did not prevent continued discussion with authorities, national preventive mechanisms or, where the reports were made public, other stakeholders. Over half of its visit reports had been published, with the consent of States parties, whilst fully respecting and observing the right of States to preserve the confidentiality of their exchanges.

32. The Subcommittee also welcomed the response to the first call for applications to the Special Fund in November 2011, which had so far resulted in the approval for and launch of projects in Benin, Honduras, Paraguay, the Maldives and Mexico, showing that preventive work through the Optional Protocol could be quickly translated into real, practical and tangible protections and improvements for detainees at risk of ill-treatment.

33. The number of national preventive mechanisms had reached 37; Subcommittee members were grouped in task forces, which allowed the Subcommittee to engage with them outside of sessions and formal visits. However, demand for input from the Subcommittee already outstripped its capacity and that was likely to continue.

34. Twenty-three States parties had yet to establish national preventive mechanisms within the time frame provided for in the Optional Protocol. When coupled with international oversight by the Subcommittee, they were the best means to prevent torture and ill-treatment, as they provided local and regular scrutiny of the reality of detention in a way that would not otherwise be possible. The Subcommittee's programme remained a vital element of the architecture of prevention but, through the Optional Protocol system, the national preventive mechanisms became an efficient and effective "front line".

35. **Ms. Loew** (Switzerland), noting that the Subcommittee could carry out only a limited number of visits each year, asked what measures had been taken or envisaged to ensure more efficient coordination and complementarity between the Subcommittee and national mechanisms.

36. **Mr. Geurts** (Observer for the European Union) said that given that the Subcommittee on Prevention of Torture operated differently from other human rights treaty bodies, he would be interested to hear the views of the Chair of the Subcommittee on the treaty body strengthening process. He also wondered why only half of the reports and recommendations of the Subcommittee had been made public.

37. **Mr. Kaminek** (Czech Republic) said that although his country would continue to make its customary financial contribution to the work of the Subcommittee on the Prevention of Torture, it had been forced withdraw its candidate for membership in the Subcommittee because he did not fulfil the independence criteria provided for in the Optional Protocol to the Convention against Torture. He agreed that there should be no room for Government officials on the Subcommittee, but wondered if members of national preventive mechanisms should be allowed to serve. He also asked what number of State Party visits per year would be optimum, and whether unannounced visits to places of detention were being carried out.

38. **Ms. Kofoed** (Denmark) asked if the panellists found any use in their work for General Assembly and Human Rights Council resolutions on torture.

39. **Mr. Evans** (Chair of the Subcommittee on Prevention of Torture) said that the 2011 Global Forum on the Optional Protocol to the Convention against Torture had brought together hundreds of members of national mechanisms and shown how much progress had been made in the five years since the Protocol's entry into force. It had also provided an opportunity to strengthen the links with national mechanisms that were so invaluable to the Subcommittee's work. The treaty body strengthening process was an opportunity not only to increase resources but also to benefit from synergies among the various bodies.

40. Many reports were submitted on a confidential basis and could not be made public unless the State in question granted consent. There was no reason why members of national preventive mechanisms should not be members of the Subcommittee, provided that their presence did not intrude on the independence of discussions and was consistent with the Addis Ababa guidelines on the independence and impartiality of members of the human rights treaty bodies.

41. During country visits, no advance notice was ever given of the places of detention that the Subcommittee intended to visit. The Subcommittee hoped eventually to double the number of country visits per year from six to twelve. United Nations resolutions were useful for reflection on progress made. It was in fact pursuant to one of those resolutions that the three torture mandate holders had been brought together at the current meeting.

42. **Mr. Grossman** (Chair of the Committee against Torture) said that resolutions were useful as a demonstration of what the consensus was on any given issue. As important as the resolutions themselves was the debate that preceded their adoption. It was unquestionably useful for as many of the reports as possible to be made available on the Web.

43. **Mr. Mendez** (Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment) said that he cited resolutions frequently in his correspondence and reports on country visits. The discussion that surrounded the process of formulating resolutions was valuable in itself. It was particularly useful to take note of the gradual evolution of the annual torture resolution, and he commended the leadership role that Denmark had taken in that process.

44. **Mr. McCallum** (Chair of the Committee on the Rights of Persons with Disabilities) said that the Convention on the Rights of Persons with Disabilities was already making a difference in the lives of persons with disabilities, most of whom lived in developing countries and below the poverty line. In fact, the Convention was being ratified at such a record pace that his Committee could not keep up with the increase in the number of States Parties, and desperately needed more meeting time. He expressed his gratitude to States Parties for appointing so many persons with disabilities as Committee members, and looked forward to the time when persons with disabilities would be represented on all Human Rights Committees in proportion to their capacity to contribute to the protection of human rights around the world.

45. **Mr. Zhang** Guixuan (China) said that special attention should be paid to persons with disabilities in developing countries. His country had adopted measures to promote and safeguard the rights of persons with disabilities, and its progress in that area had been commended by the Committee on Persons with Disabilities during its consideration of China's first national report in September 2012.

46. **Ms. Morton** (New Zealand), speaking on behalf Mexico, New Zealand and Sweden, asked for further elaboration on the Committee's meeting time requirements given that the Convention already had 125 States Parties.

47. **Mr. Geurts** (Observer for the European Union) said that the quality and accessibility provisions of articles 12 and 13 seemed to be the key elements that determined the effectiveness of the Convention on the Rights of Persons with Disabilities as a whole. He wondered which rights the Committee believed deserved special attention, and what issue the Committee might be planning to elaborate on by way of a general comment. He also asked how the Committee was working to incorporate the recommendations contained in the report of the High Commissioner for Human Rights on Strengthening the United Nations Human Rights Treaty Body System.

48. **Mr. McCallum** (Chair of the Committee on the Rights of Persons with Disabilities) said that the Committee's dialogue with China, as with the other countries whose reports it had considered, had been constructive. Countries all had different starting points, but all approached the issue with good will.

49. Within its current allotment of three weeks of meeting time per year, the Committee could handle a maximum of three, possibly four reports per year. It already had a backlog of eight years, which was set to double in short order as more countries submitted reports. The addition of two more weeks annually plus pre-sessional working time would allow it to complete as many as 10 reports per year. He stressed that his request for more meeting time was separate from the ongoing reform process, and was simply a matter of equity within the current system. Five weeks per year would give the Committee on the Rights of Persons with Disabilities no more, and in most cases, less time than other human rights committees.

50. Noting that the Convention on the Rights of Persons with Disabilities was the first convention to which a supranational body like the European Union had become party, he agreed that articles 12 and 13, on equal recognition before the law and access to justice were the heart of the Convention. A working group had been formed to write a general comment on article 12. He wished to stress the importance of inclusion for persons with cognitive and psychological disabilities, who faced many obstacles that amounted to a deprivation of liberty. Legal systems needed to move from old-fashioned guardianship to systems in which persons with disabilities made decisions for themselves with the assistance of family and friends.

51. In his capacity as the 2011-2012 Chair of the Chairs of human rights treaty bodies, he had written to the Secretary-General expressing his support for the treaty body strengthening process. Because his particular Committee was a new one, it had extremely up-to-date rules of procedure that, for example, incorporated many of the Addis Ababa guidelines. He supported the Comprehensive Reporting Calendar based on a periodic five-year cycle advocated by the Secretary-General and the High Commissioner. He was hopeful that the United Nations would provide his Committee with the resources it needed.

52. **The Chair** invited the Committee to begin its general discussion of sub-items (a) and (d) of Agenda item 69.

53. **Mr. Mahmoud** (Egypt), speaking on behalf of the Arab Group, said that human rights went hand in hand with development and international peace and security. Political and civil rights should not be prioritized at the expense of economic, cultural and social rights. No particular culture's values should be privileged over another's, and the international community should support national efforts to enhance human rights while steering clear of intervention in a country's internal affairs on the pretext of such notions as human security or responsibility to protect. The right to development should not be conditional on the acceptance by developing countries of concepts that were by no means universally agreed upon. The Security Council should not be used to address human rights matters at the expense of the Human Rights Council, treaty bodies or special measures.

54. The recent organized campaign defaming Islam was unacceptable. The Arab Group supported a freedom of expression that challenged extremism and violence, not one that incited hatred and targeted particular religions. At the same time, the Group rejected any resort to violence in response to that defamation.

55. It was important that technological innovations in communication should be used to promote respect for human rights rather than to incite hatred and disseminate negative stereotypes. The international community needed to combat extremism, racism,

discrimination and denigration of religious traditions, in the first place by fulfilling obligations under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and in the second place by conducting a constructive dialogue that promoted tolerance and understanding of the other. Above all it was important to counter the ignorance and misunderstanding that prevailed in many countries.

56. Speaking as the representative of Egypt, he said that the Arab revolutions had demonstrated the innate desire of peoples for equal rights and democracy. The international community should use peaceful means to prevent the abuse by some of the principle of sovereignty in order to suppress the rights and freedoms of peoples.

57. His country had made firm strides in its democratic transformation, having successfully held free elections and taken measures to call to account those responsible for human rights violations that occurred during the January 25 revolution. Numerous legislative amendments had been enacted to strengthen the political process, ensure religious freedom and combat discrimination, extremism and violence. The Ministry of Manpower and Immigration had issued new union regulations that guaranteed freedom of association and organization. Egypt was in the process of making preparations to host a regional office of the High Commissioner for Human Rights.

58. He wished to draw the attention of the Secretary-General to the need to ensure accuracy in his reports, notably with regard to the statement in the Secretary-General's report on a moratorium on the use of the death penalty (A/67/226) that sentences of capital punishment were reportedly handed down to children under 18 at the time of the alleged offence in Egypt. Egyptian law prohibited the death penalty or a life sentence of hard labour for anyone under 18 years of age.

59. **Mr. de Bustamante** (Observer for the Europe Union), speaking also on behalf of the acceding country Croatia; the candidate countries Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Bosnia and Herzegovina; and, in addition, Armenia, Azerbaijan, Georgia, Liechtenstein, Norway, the Republic of Moldova and Ukraine, said that the European Union welcomed further advancement in 2012 towards universal ratification of the core human rights treaties, which was a key objective of the Vienna Declaration and Programme of Action. It encouraged States to withdraw reservations that were incompatible with the objectives and purposes of human rights treaties, enact the domestic legislation necessary for national implementation, and cooperate with treaty bodies. The European Union was in the process of establishing a framework for implementation of the Convention on the Rights of Persons with Disabilities, to which it and all its Member States were party.

60. The European Union was strongly committed to effective and independent human rights treaty bodies and supported the treaty body strengthening process. Respect for the competencies of all the different stakeholders, including States parties, the treaty bodies themselves, and the Office of the High Commissioner for Human Rights, was essential for successful implementation of General Assembly resolution 66/295 on extension of the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system. The opportunity to interact with the treaty body chairs in the Third Committee was also invaluable. The European Union echoed previous calls of the High Commissioner for States to put a stop to any acts of intimidation or reprisal against individuals and groups who cooperated with United Nations.

61. **Metropolitan Hilarion** (Russian Federation) said that, as a representative of the Russian Orthodox Church, he felt obligated to speak out on behalf of the most persecuted religious group on the planet, which was Christians. Over 100 million Christians were being persecuted, and a Christian was killed for his faith every five minutes. In particular, deep social transformations in the Middle East and some countries of Asia and Africa were upsetting a balance that had allowed different confessional communities to coexist peacefully for centuries. His Church had traditionally maintained close contact with the ancient Christian Churches of the Middle East, and the leaders of those communities were reporting outrageous acts of discrimination and violence against Christians.

62. Across Syria, tens of thousands of Christians had seen their churches destroyed and been forced to flee their homes. Notwithstanding the protestations of religious tolerance just voiced by the representative of Egypt, Coptic Christians in that country were

undergoing similar persecution and displacement. Half of Libya's 60,000 Christians had emigrated, and of the million and a half Christians who lived in Iraq in 2003, only 10 per cent remained. Christians were also being deprived of legal protection and persecuted in Pakistan, the Sudan and Algeria. Thousands of Christians had fled Mali, while the radical Islamist Boko Haram sect continued to exterminate Christians in Nigeria.

63. One response to the situation was to work to facilitate immigration of persecuted Christians to other countries. But that would only be playing into the hands of extremists. First and foremost, efforts should be made to keep Christians safe in their traditional homes.

64. The introduction of the term "Christianophia" into the vocabulary of the international community at the 2009 United Nations World Conference against Racism had been timely, although the term "persecution of Christians" would be more descriptive of reality. International institutions responsible for protecting religious minorities should be collecting data, and violence against religious minorities should be prosecuted in both national and international courts. He expressed support for the January 2011 resolution on the situation of Christians in the context of freedom of religion adopted by the Parliamentary Assembly of the Council of Europe, which had proposed the development of a permanent capacity to monitor restrictions on religious freedom, and he called on the United Nations to establish an international mechanism to combat religious discrimination.

65. **Mr. Olvalles** (Bolivarian Republic of Venezuela) recalled that his country's 1999 Constitution further enshrined human rights and fundamental freedoms and the State guaranteed the enjoyment of all civil, political, economic and socio-cultural rights, with the international agreements ratified by his country taking precedence over domestic law. The State implemented egalitarian policies and deemed that objectivity and impartiality as well as cultural diversity must be taken into account in human rights policies. In the last 13 years, poverty and inequality had receded drastically and the country boasted a sound participatory democracy with guarantees for civil rights, freedom of expression without censure, all gains that were widely recognized by the international community.

66. His country — where political prisoners, impunity, capital punishment and torture were non-existent — rejected all attempts to infringe on human rights and fundamental freedoms. Transparent, unselfish international cooperation, in strict observance of the United Nations Charter, would help to promote and protect human rights.

67. **Ms. Li** Xiaomei (China) said that her country believed that the treaty body reform process would promote constructive dialogue between treaty bodies and States parties on such issues as increasing efficiency, enhancing the role of conferences of States parties, and formulating codes of conduct for treaty body experts. Treaty bodies should adhere to the principles of objectivity and impartiality. States parties should play a leading role in the reform process. China was a party to all major human rights instruments, and had worked to incorporate the provisions of those treaties into its domestic law. It had submitted its national reports in a timely fashion and actively supported the Hong Kong and Macao special administrative regions in fulfilling their relevant treaty obligations.

68. **Mr. Saleh** (Saudi Arabia) said that his country's approach to human rights was based on the principles of tolerance and human dignity enshrined in the Islamic sharia. It was committed to the goals of the United Nations Human Rights Council and the mainstreaming of human rights within the United Nations system in accordance with General Assembly resolution 60/251. It had acceded to numerous international conventions and protocols, and had established a national body to promote human rights in 2005, as well as a 41-member Human Rights Society, both of which had contributed to the establishment of mechanisms for monitoring violations, hearing complaints, inspecting prisons and drafting legislation. The national anti-corruption society, the national journalists association and the King Abdul Aziz Center for National Dialogue were also active in promoting human rights. On 14 and 15 August 2012, the Kingdom had hosted an emergency summit to address the protection of human rights, in particular in Syria and Myanmar. In its fight against terrorism it struck a balance between security requirements and human rights considerations, and it had instituted a prisoner rehabilitation programme that had gained international recognition.

69. He stressed the urgent need for international action to stop the violence being perpetrated against the Muslim community in Myanmar, and announced

that his Government would be making a contribution of $50 million to help the Muslims of Myanmar. He called on the international community, and in particular the Russian Federation, China, Europe and the United States of America, to shoulder its responsibility to bring an end to the oppression and human rights violations being suffered by the Palestinian people in Occupied Palestinian Territory. He also called on the international community, and in particular the Muslim countries, the Russian Federation, China, Europe and the United States of America, to apply all possible pressure to stop the Syrian Government from using its military to kill innocent women and children and displace thousands from their homes.

*The meeting rose at 1.00 p.m.*